COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

FISCAL NOTE

<u>L.R. No.</u>: 4203-03

Bill No.: Truly Agreed To and Finally Passed HCS for SB 1211

Subject: Courts; Civil Procedure; Landlords and Tenants

<u>Type</u>: Original

<u>Date</u>: May 27, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2005	FY 2006	FY 2007	
General Revenue	(Unknown)	(Unknown)	(Unknown)	
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)	

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2005	FY 2006	FY 2007	
Highway	Unknown	Unknown	Unknown	
State Legal Expense	(Unknown)	(Unknown)	(Unknown)	
Crime Victims' Compensation	\$66,667	\$80,000	\$80,000	
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown) to More than \$66,667	(Unknown) to More than \$80,000	(Unknown) to More than \$80,000	

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 17 pages.

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 2 of 17 May 27, 2004

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2005	FY 2006	FY 2007	
Federal	\$0	(\$877,946)	(\$1,057,766)	
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	(\$877,946)	(\$1,057,766)	

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the Department of Economic Development, Department of Mental Health, Department of Natural Resources, Department of Revenue, Department of Social Services, Department of Public Safety, Department of Conservation, Missouri House of Representatives, State Treasurer's Office, Missouri Senate, Truman State University, and Linn State Technical College assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of this proposal (f/n 4203-02) officials from the **Office of the State Public Defender, University of Missouri System,** and the **City of Springfield** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume the cost of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

BLG:LR:OD (12/02)

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 3 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

§§2.030, 2.040, 2.050, 2.060, 3.130 – Session Laws/Statutes

Officials from the **Coordinating Board for Higher Education (CBH)** assume sections 3.130.1(11). 3.130.1(17) and 3.130.2 would have an unknown fiscal impact on the higher education institutions listed as it reduces the number of complimentary sets of statutes to be provided to them. Section 3.130.2 eliminates the ability of the state law schools to receive statutes for the purpose of exchanging the copies of statutes of other states, which may result in a significant cost to these entities.

Officials from the **Department of Health and Senior Services (DOH)** assume it is not clear how the modifications to the provisions regarding publication and distribution of the revised statutes would affect the department. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

Officials from the **Joint Committee on Legislative Research (LR)** assume the provisions would allow them to order approximately 850 fewer sets of the Revised Statutes. At an estimated cost of \$100 per set, the proposal would reduce LR's costs by \$85,000.

Oversight assumes, pursuant to Section 3.010, RSMo, the Revised Statutes are required to be published at least every ten years. The current RSMo is 2000. Therefore, the next required publication would be in 2010, which is beyond the scope of the fiscal note.

105.711 – State Legal Expense Fund

Officials from the **Office of Administration – Risk Management** assume §105.711.2(5) would fiscally impact the state. Contact was made with the Bar Plan Mutual Insurance Company that insures individual attorneys and law firms across the state. Applying a \$500,000 per claim limit, with a standard \$1,000 deductible, \$1.5 million aggregate per year, the annual base rate for an individual attorney would be \$2,421 in premium cost. The Missouri Bar reports there are approximately 18,000 attorneys in Missouri with approximately 73% giving some free legal assistance. However, it is unclear that the "free legal assistance" is limited to the services as described in §105.711.2(5) and the 73% may be an overestimation for purposes of the fiscal note. While this coverage likely would have a fiscal impact on the state, costs cannot be determined and remain unknown.

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 4 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

Officials from the **Office of Secretary of State (SOS)** assume the proposal would give the Attorney General's Office the authority to adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 10 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$615 in FY 05 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Transportation (MoDOT)** assume Section 105.711 would limit the payments from the State Legal Expense Fund to any one claimant to \$500,000 total. By limiting the payments to \$500,000 total, the amount recoverable against MoDOT employees would be limited. This is a positive benefit. However, the language is not clear regarding claims against the state entity, in this case Missouri Highways and Transportation Commission (MHTC) and MoDOT. MoDOT and MHTC maintain a self-insurance fund for paying tort liability claims against MoDOT and MHTC. The provisions in Section 105.711 apply only to payments from the State Legal Expense Fund. Therefore, potentially a claimant could recover up to \$500,000 against a MoDOT employee and up to the statutory limit in Section 537.610 against MHTC (approximately \$321,000+), resulting in total potential recovery of \$821,000.

The elimination of the exclusive remedy language to protect MHTC and MoDOT employees from individual liability not subject to sovereign immunity caps would be advantageous to MHTC. However, an accurate estimate would be impossible to determine as the benefit of these revisions would depend upon the number of cases impacted, the potential liability of MHTC in such cases and other related factors. Therefore, the impact of this legislation is a positive unknown.

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 5 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

§§452.025, 452.310 – Verified Pleadings

Officials from the **Department of Health and Senior Services (DOH)** assume the proposal would require a DOH official to verify pleadings filed in collection cases. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

§482.330 – Number of Claims in Small Claims Court

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would change the maximum number of small claims petitions that can be filed by a party from eight in one year to twelve.

There is the potential for a increase in small claim filings, but CTS has no way of determining what that increase might be. Although some of these cases may be ones that would have been filed in the associate divisions, small claim filings require a significant amount of clerk time – an average of 2.5 hours per case, because clerks are required to assist the petitioner with the filing process.

Any significant increase in court workload would be reflected in future budget requests.

Officials from the **Department of Health and Senior Services (DOH)** assume the proposal would allow the filing of 4 additional collection cases in small claims court per year. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

§488.2275 – Cass County and Jefferson County Judicial Facility Fund

In response to an identical proposal from the current session (HB 1065, l/r 3787-01), officials of the **Office of State Courts Administrator** assumed no fiscal impact.

Oversight assumes no fiscal impact to Cass County or Jefferson County.

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 6 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

§§494.400, 494.425, 494.430, 494.431, 494.432, 494.445, 494.450, 494.460 – Jury Service

Officials from the **Office of State Courts Administrator (CTS)** assume there are often many people who fail to appear, and there may be an increase in the number of criminal cases filed. However, after a period of time and awareness of the penalty, CTS would anticipate substantial compliance and would not expect a significant impact on the workload of the court. There may be an increase in workload relating to the processing of requests for postponement, but CTS has no way of predicting that impact at this time.

Officials from the **St. Louis Metropolitan Police Department** assume the provision would remove the exclusion for police officers and would cost at least \$100,000 per year with payments to officers for jury duty and any overtime needed to meet desired staffing levels.

Oversight assumes local law enforcement agencies could experience increased costs in the form of previously exempted employees now serving jury duty.

§§570.030, 570.200, 570.210 – Stealing Historical Documents, Library Theft

Officials from the **Office of State Courts Administrator (CTS)** assume, depending on the degree of enforcement, there may be some increase in the number of criminal cases filed; however, CTS would not expect it to have a significant impact on the workload of the courts.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Oversight assumes any reduction in the foundation formula resulting from increased fines collected at the local level and those fines received at the local level will offset each other.

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 7 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

Officials from the **Department of Corrections (DOC)** assume this bill revises various statutes relating to theft of historical documents and library theft. Penalty provisions are for up to a class B felony.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

§§595.045, 595.050 – Crime Victims' Compensation Fund

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume proposed §595.045.8, RSMo, requires that in addition to convictions, which are presently included, pleas of guilty and findings of guilt entered in certain felony and misdemeanor criminal cases be subject to fines earmarked to the Crime Victims' Compensation Fund. Since pleas of guilty are presently entered as convictions by Missouri's circuit courts, this provision may only increase revenue into the fund in cases where a suspended imposition of sentence (SIS) is entered by the court. While the DOLIR cannot estimate the number of class A or B felonies, class C or D felonies or misdemeanor cases that are resolved with a suspended imposition of sentence, the DOLIR believes that this provision may increase fund revenue.

Conservatively, the DOLIR assumes that this provision may provide approximately \$100,000 of additional revenue if an SIS in fact falls within the definition of "findings of guilt."

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 8 of 17 May 27, 2004

<u>ASSUMPTION</u> (continued)

Combined, the elimination of §595.045.4(3), RSMo, and §595.045.6(3), RSMo, and the addition of language in §595.050, RSMo, may, at periodic intervals, result in the inability of the DOLIR to pay eligible victims of violent crime. During the most recent three-year period (36 months), the Crime Victims' Compensation Fund balance was less than \$1,000,000 for a period of ten (10) months, or 27.7 percent of the three-year period covered by this fiscal note.

Under current law, the DOLIR's Crime Victims' Compensation Program would receive an increase from 50 percent to 75 percent in fund revenue when the fund falls below \$1,000,000. Under this proposal, the program would continue to received 50 percent regardless of the fund balance. Last fiscal year (FY 2003), the Crime Victims' Compensation Program paid \$7,681,050.36. Of this amount, \$6,364,418.24 was paid in state Crime Victims' Compensation dollars. The remaining amount was paid through a federal grant.

To determine the impact on the state Crime Victims' Compensation Program, the DOLIR can multiply 27.7% (period of time current statutory funding has been increased during the last 36 months) by the state dollar amount spent. The result equals \$1,762,944. It is important to note that this amount equals the fiscal impact to the Crime Victims Compensation Program and not the fiscal impact to the fund. This is the case because, absent other changes in this legislation, the Crime Victims Compensation Fund will still be receiving the same amount of money even though less money received will be earmarked to the Crime Victims Compensation Program.

Further, since the program receives a federal grant based on 60 percent of the dollar amount spent in the previous year, this will reduce federal funding by approximately \$1,057,766 annually.

Proposed changes in §595.045.8, RSMo, increasing criminal case resolution types where benefits are payable to the Crime Victims' Compensation Fund, and earmarked for benefits to victims' violent crime may offset a portion of the reduction in funding stated previously. This provision is expected to provide an additional \$100,000 in fund revenue annually.

Finally, proposed changes to §595.045.8, RSMo, are expected to reduce the amount overall balance of the fund by approximately \$20,000 annually. Since this money would otherwise lapse, 50 percent, or \$10,000 would be available to the Crime Victims' Compensation Program.

In summary, the DOLIR estimates the total fiscal impact of the proposal to be \$80,000 per year to the Crime Victims' Compensation Fund (State) and \$1,057,766 to Federal Funds.

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 9 of 17 May 27, 2004

ASSUMPTION (continued)

§630.130 – Court Appointed Attorney Fees

Officials from the **Office of Administration – Commissioner's Office (COA)** assume this section requires certain attorney's fees for respondents unable to pay be paid by the Office of Administration from funds appropriated to COA for that purpose. Section 630.130.6 would require an appropriation for that purpose. COA is unable to determine the potential costs at this time. The COA would require one FTE Accounting Analyst to implement this provision. With recent layoffs, personnel is limited and at the maximum workload.

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Unknown)	(Unknown)	(Unknown)
Attorney fees (§630.130)	(Unknown)	(Unknown)	(Unknown)
Costs – Office of Administration			
<u>Total Costs</u> – DOH	(Unknown)	(Unknown)	(Unknown)
Distribution of statutes (§§2.030, 2.040, 2.050, 2.060, 3.130)	(Unknown)	(Unknown)	(Unknown)
Additional Small Claims Cases (§482.330)	(Unknown)	(Unknown)	(Unknown)
Costs – Department of Health and Senior Services Verify pleadings (§§452.025)	(Unknown)	(Unknown)	(Unknown)
Costs – Department of Corrections Incarceration/probation costs (§§570.030, 570.200, 570.210)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
GENERAL REVENUE FUND	(10 Mo.)		
FISCAL IMPACT - State Government	FY 2005	FY 2006	FY 2007

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 10 of 17 May 27, 2004

HIGHWAY FUNDS

Savings – Department of Transportation Payment limits (§105.711)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
STATE LEGAL EXPENSE FUND			
Costs – Office of Administration Liability coverage (§105.711)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON STATE LEGAL EXPENSE FUND	(Unknown)	(Unknown)	(Unknown)
CRIME VICTIMS' COMPENSATION FUND			
Revenues – Department of Labor and Industrial Relations Additional fines and fund balance requirements (§§595.045, 595.050)	<u>\$66,667</u>	<u>\$80,000</u>	<u>\$80,000</u>
ESTIMATED NET EFFECT ON CRIME VICTIMS' COMPENSATION FUND	<u>\$66,667</u>	<u>\$80,000</u>	<u>\$80,000</u>
FEDERAL FUNDS			
Revenues – Department of Labor and Industrial Relations Additional fines and fund balance requirements (§§595.045, 595.050)	<u>\$0</u>	<u>(\$877,946)</u>	(\$1,057,766)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>(\$877,946)</u>	<u>(\$1,057,766)</u>
BLG:LR:OD (12/02)			

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 11 of 17 May 27, 2004

FISCAL IMPACT - Local Government	FY 2005 (10 Mo.)	FY 2006	FY 2007
POLITICAL SUBDIVISIONS	(======)		
Income – County Judicial Facility Fund* \$10 surcharge fee on certain cases (§488.2275)	Unknown	Unknown	Unknown
<u>Costs</u> – County Judicial Facility Fund* Cost of operation/maintenance of judicial facility (§488.2275)	(Unknown)	(Unknown)	(Unknown)
Costs – Law Enforcement Agencies Employees serving jury duty (§§494.400, 494.425, 494.430, 494.432, 494.450, 494.460)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON			

^{*} Oversight assumes cost of operation would not exceed income to the Fund, resulting in an annual zero fund balance. Any moneys not needed for the operating costs of the County Judicial Facility is to be transmitted quarterly to the County's General Revenue Fund.

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

POLITICAL SUBDIVISIONS

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would:

Require the joint committee on legislative research (LR) to annually collate, index, print, and bind all laws and resolutions passed or adopted by the session. The revisor of statutes would be required to distribute one copy without cost to each member of the general assembly, every county circuit clerk, circuit judge, associate circuit judge, prosecuting attorney, and sheriff. LR would determine the cost of printing and binding, at which the revisor of statutes could sell copies of the laws and resolutions. (§§2.030, 2.040, 2.050, 2.060)

BLG:LR:OD (12/02)

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 12 of 17 May 27, 2004

DESCRIPTION (continued)

The revised statutes of Missouri could also be produced in an electronic format. One copy of either version would be distributed as specified. (§3.130)

The Office of Prosecution Services may develop, support, and maintain automated case management and criminal history reporting systems approved by the Prosecutors Coordinators Training Council as the standard utilized by prosecuting attorneys and circuit attorneys. The Prosecutors Coordinators Training Council (currently the Department of Public Safety) would provide for the security of witnesses. (§56.760, 491.640)

Eliminate the requirement that the sheriff of Marion County have at least one deputy residing in the city of Hannibal. (§57.260)

The State Legal Expense Fund could be used to provide health care services to patients or inmates of county jails and for attorneys practicing law without compensation at or through a nonprofit community social services center. The aggregate of payments from the State Legal Expense Fund would be limited to \$500,000 for claims pursuant to practicing law without compensation at such social services centers. (§105.711)

The juvenile court would have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance. (§211.031)

For any matter referred to the juvenile court, the juvenile officer would be required to make a risk and needs assessment. (§211.141)

Specify the format for verified pleadings under Chapter 452 (domestic relations). It would not be required to file a parenting plan for a child over the age of 18 for whom custody, verification, or support is being established or modified. (§§452.025, 452.310)

Allow the court to issue direct payment orders to parties for the payment of guardian ad litem fees. (§452.423)

Modify the definition of stalking. (§§455.010, 455.501)

The court would retain jurisdiction over the full order of protection. Willful violation of an order of protection could be punishable to the same extent as provided by law for contempt of court. (§455.090)

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 13 of 17 May 27, 2004

DESCRIPTION (continued)

Clerk and other non-judicial personnel of the probate division of any city not within a county would be appointed by the judge of the probate division. (§472.075)

Require the court to appoint qualified interpreters and translators in all legal proceedings in which the nonEnglish speaking person is a party or a witness. Interpreters and translators would be allowed a reasonable fee and necessary travel expenses, but would not be compensated for travel time. (§§476.800, 476.810, 476.820)

Under current law, persons are limited to filing eight small claims actions per year. The proposed legislation would change that limit to three small claims actions per 30-day period. (§482.330)

Clerks of any state court who take or process applications for passports would be required to account for the fees charged and remit 80% of the fees on the last of each month to the state and 20% to the county where the application was taken. (§§483.537, 483.550)

Cass County and Jefferson County would assess a \$10 surcharge in each court proceeding filed. (§488.2275)

Modify several provisions relating to jury service and provide a means by which prospective jurors can obtain a postponement of jury service. Petit jurors would not be required to attend court for prospective jury service more than twenty days in any one-year period. A person who fails to appear or fails to obtain a postponement would be subject to a civil penalty, not to exceed \$400. Community service could be performed in lieu of the fine if approved by the court. (§§494.400, 494.425, 494.430, 494.432, 494.455, 494.450, 494.460)

Persons aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge would have the right of a trial de novo in all municipal court cases, small claims court cases, forcible entry and unlawful detainer cases, and landlord-tenant actions. (§512.180)

Modify the list of property that would be exempt from attachment and execution. (§§513.430, 513.440)

Injunctions could be granted by a circuit judge or an associate circuit judge. (§526.010)

Under current law, public notice through newspaper publication is required after a person legally changes his or her name. The proposed legislation would eliminate the publication notice for victims of domestic violence, child abuse, or family or household violence. (§527.290)

BLG:LR:OD (12/02)

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 14 of 17 May 27, 2004

DESCRIPTION (continued)

Delete the requirement that the summons in landlord/tenant matters be sent to the defendant by certified mail. (§§535.020, 535.030)

Lengthen the statute of limitation on civil claims for damages caused by sexual abuse suffered as a child. Under current law, a claim must be brought within three years from the date the victim should have discovered the injury or illness or within five years of the victim's eighteenth birthday, whichever occurs later. The proposal would lengthen the second part of this statute to 10 years from the victim's twenty-first birthday. (§537.046)

Applications for issuance of search warrants could be submitted by facsimile or other electronic means. Search warrants could be issued by facsimile or other electronic means. Photographs and copies of items seized would be filed with the circuit clerk within 10 days after filing of the application. (§542.276)

A complaint could be made and a warrant could be issued via facsimile or other electronic means. (§544.020)

The period of detention for misdemeanor cases under this section would be changed to the shorter of thirty days or the maximum term of imprisonment authorized by the misdemeanor by chapter 558 (was the shorter of fifteen days or the maximum term of imprisonment authorized by chapter 558). (§559.026)

Stealing a document of historical significance would be a class C felony. (§570.030)

Would modify the crime of library theft. (§§570.200, 570.210)

Records of alleged acts of a peace officer would be made available to any hiring law enforcement agency. (§590.118)

Modify the provisions relating to the Crime Victims' Compensation Fund. (§§595.045, 595.050)

Under current law, any person involved in an incident for which a police report was filed may obtain a copy of the police incident report, if needed for a civil action. The proposed legislation would allow the parent or child of the person to obtain the information when the person is deceased or has been judged incompetent. (§610.100)

L.R. No. 4203-03 Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 15 of 17 May 27, 2004

DESCRIPTION (continued)

Allow a court-appointed counsel to be awarded a reasonable fee to be paid under the provisions of subsection 2 of Section 632.415, RSMo, when defending a patient refusing electroconvulsive therapy. If the judge finds the respondent is unable to pay attorney's fees, the judge would allow a reasonable fee for the services to be assessed as costs and paid from funds appropriated to the Office of Administration. (§630.130)

A real estate licensee would be immune from liability for statements made by home inspection experts. (Section 1)

The proposal contains a severability clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211

Page 16 of 17 May 27, 2004

SOURCES OF INFORMATION

Office of the Attorney General

Coordinating Board for Higher Education

Office of Administration

Office of State Courts Administrator

Department of Economic Development

Department of Elementary and Secondary Education

Department of Transportation

Department of Mental Health

Department of Natural Resources

Department of Corrections

Department of Health and Senior Services

Department of Labor and Industrial Relations

Department of Revenue

Department of Social Services

Department of Public Safety

Joint Committee on Legislative Research

Department of Conservation

Missouri House of Representatives

Office of Prosecution Services

Office of the Secretary of State

Office of the State Public Defender

State Treasurer's Office

Truman State University

Linn State Technical College

University of Missouri System

St. Louis Metropolitan Police Department

City of Springfield

Mickey Wilson, CPA

Mickey Wilen

Director

Bill No. Truly Agreed To and Finally Passed HCS for SB 1211 Page 17 of 17 May 27, 2004

May 27, 2004